

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)
Plaintiff,) 8:15CB1
vs.)
TERRANCE P. ONEILL,) ORDER
Defendant.)

This matter is before the court on the motion to continue the February 24, 2015, trial by the defendant Terrance P. O'Neill (Oneill) for a period of sixty days (Filing No. 12). O'Neill's counsel represents O'Neill is recovering from surgery and government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. The motion to continue trial (Filing No. 12) is granted.
2. Trial of this matter is re-scheduled for **10:30 a.m. on April 29, 2015**, before the undersigned magistrate judge. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **February 12, 2015, and April 29, 2015**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant is physically unable to stand trial. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(4).

DATED this 12th day of February, 2015.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge